

HOUSE BILL No. 1337

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-11.4.

Synopsis: Smoking in a vehicle with children. Provides a \$25 penalty for a person who smokes in a passenger motor vehicle while a minor who is less than 13 years of age is in the vehicle. Provides that the penalty for a subsequent violation is \$100. Deposits penalties into the tobacco use prevention and cessation trust fund.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1337

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco violations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-46-1-11.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11.4. (a) "Passenger motor vehicle" means a motor vehicle designed:**

(1) for carrying passengers; and

(2) to permit its operation on a public highway (as defined in IC 9-25-2-4).

The term does not include a motor scooter (as defined in IC 9-13-2-104, a motorcycle (as defined in IC 9-13-2-108), a motorized bicycle (as defined in IC 9-13-2-109), or an off-road vehicle (as defined in IC 14-8-2-185).

(b) A person may not smoke or carry a lighted cigarette, cigar, pipe, or any other lighted smoking equipment in a passenger motor vehicle while a minor who is less than thirteen (13) years of age is in the vehicle.

(c) A person who violates this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a person who violates



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- 1 **this section is subject to a civil penalty of:**
2 **(1) twenty-five dollars (\$25) for the first violation; and**
3 **(2) one hundred dollars (\$100) for the second and each**
4 **subsequent violation.**
5 **(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
6 **under this section must be deposited in the Indiana tobacco use**
7 **prevention and cessation trust fund established by IC 4-12-4-10.**

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